



JUDICIAL INVESTIGATION COMMISSION

Room E-400, State Capitol

Charleston 25305

July 15, 1991

Re: JIC Advisory Opinion 1991-07

Dear

The Judicial Investigation Commission has considered further your questions concerning available options to a judge who owns a building and has lawyers as tenants.

After lengthy discussions, it was determined that there is no other option available in a state with municipalities the size of even the largest city in West Virginia where a judge can put his property in a blind trust and not know who the attorney is renting office space in his building. Of course, the appearance of impropriety is still obvious.

Unfortunately, the members had no alternative other than to reiterate what was written in their opinion of January 22, 1991: "[T]he provisions of Canon 5C(1) of the Judicial Code of Ethics would require that the judge take one of three options. The judge could sell the property in question; refer all of the tenant lawyers to another judge in the circuit for hearings on matters being handled by those attorneys; and not rent to lawyers."

Very truly yours

A handwritten signature in dark ink, appearing to read "W. Jack Stevens". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

W. Jack Stevens, Chairman

CRG/bl